

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

UNITED STATES OF AMERICA

*

V.

Cr. No. GLR-23-026

RYAN DALES

*

Defendant

*

For: RYAN DALES

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**DEFENDANT'S MOTION IN LIMINE TO EXCLUDE PORTIONS OF DR.
PAN'S TESTIMONY**

RYAN DALES, by his undersigned counsel, respectfully submits this motion to *in limine* to preclude a certain portion of Dr. Hongde Pan's expert testimony and as grounds states:

As part of its required expert disclosures, the Government has provided a letter that details the expected testimony of Dr. Hongde Pan, a chemist. Therein, Dr. Pan presents the results of 22 tests he ran on substances taken from Mr. Dales' apartment. The defense objects to the admission of only one result.

In addition to finding several items contained fentanyl, and some contained no controlled substances, Dr. Pan found one item, gross weight of .62 grams, to be cocaine.

Federal Rules of Evidence provides that evidence is only relevant if "(a) it has any tendency to make a fact more or less probable than it would be without the evidence; and (b) the fact is of consequence in determining the action." Rule 402 excludes any proposed evidence that fails this test: "irrelevant evidence is not admissible." Against this backdrop, the Court is asked to exclude any testimony in this case about cocaine.

Mr. Dales is charged with possession with the intent to distribute fentanyl.

Nothing is alleged that he was selling cocaine. Further, the *de minimis* amount, .62 grams, is more likely personal use than possession with the intent to distribute. This case is not a general conspiracy case in which the main drug for this defendant was fentanyl but others in the conspiracy might have been selling cocaine. The only evidence related to the drug charge concerns fentanyl.

Thus, any discussion of cocaine in this case would not meet the admissibility requirements of Rules 401 and 402 and any such testimony should be excluded.

CONCLUSION

WHEREFORE, RYAN DALES moves this Honorable Court to exclude a certain portion of Dr. Hongde Pan's testimony.

Respectfully submitted,

/s/
Richard Bardos
Schulman, Hershfield & Gilden, P.A.
1 East Pratt Street, 9th Floor
Baltimore, Maryland 21202
(410) 332 0850

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 22nd of November, 2024, a copy of the foregoing was served electronically by ECF to: Office of the United States Attorney, 36 South Charles Street, Fourth Floor, Baltimore, Maryland 21201 and all defense counsel.

/s/
Richard Bardos